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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/821,007

04/08/2004

William B. Weishar

100121.90138

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26710 7590 03/23/2007
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EXAMINER

JOHNSON, BLAIR M

ART UNIT

PAPER NUMBER

3634

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/821,007

Applicant(s)

WEISHAR ET AL.

Examiner

Blair M. Johnson

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11 and 15-19 is/are rejected.
- 7) ☒ Claim(s) 5 and 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4,6,7,9-11,15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 163942 ('942) in view of Dimmit et al.

'942 discloses sliding doors 3,4, that comprise track panels 6,6', and swinging panels 5,5', which define "impact plates". However, the swinging panels are disclosed as being pivoted in only one direction. However, providing a breakaway panel that releases in both directions is well known as illustrated by Dimmit et al, which further provides a detent mechanism, Fig. 9. In view of this teaching it would have been obvious to modify '942 to have the header system of Dimmit et al so as to permit breakaway of the door in both directions.

Regarding claim 10, the mechanism that supports the panels in the tracks also holds the bottom of the panels in a normal position. Claim 11 is met as best understood.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP '942 in view of Dimmit et al as applied above, and further in view of Lichy.

Means for maintaining and returning breakaway panels in alignment are common, as illustrated by Lichy, see Figs. 10A,B. It would have been obvious to modify '942 to have such realignment means to automatically realign the panels.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP '942 in view of Dimmit et al as applied above, and further in view of Lewis Jr. et al.

Polystyrene and fiberglass door panels are old as illustrated by Lewis, column 3, lines 27-29 and such would have been an obvious material for the panels of '942 to provide a tough yet light construction.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP '942 in view of Dimmit et al as applied above, and further in view of Clark.

Heating elements to render seals pliable and therefore effective is well known as illustrated by Clark at 19,25, and such would have been an obvious modification of '942 to provide an effective seal.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP '942 in view of Dimmit et al as applied above, and further in view of Gregoriou et al.

Leading edge sensors are well known as illustrated by Gregoriou et al and providing such for the panels in '942 would have been obvious to provide a safety feature. When the leading edge is impacted, such could clearly displace the door out of the door plane, thereby satisfying claim 19.

Allowable Subject Matter

Claims 5 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive. Applicant states that the doors of the prior art are not intended to be hit by a forklift. However, even if the doors were not designed for the environment that includes a forklift, they clearly are "capable" of being activated by contact with a forklift. '942 and Dimmitt et al are clearly analogous and there is no reason why modifying '942 in view of teachings by Dimmitt et al, including that of a double swinging door, would not be obvious.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

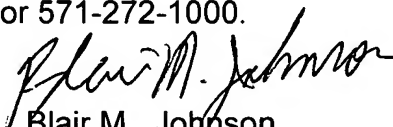
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (571) 272-6830. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

Art Unit: 3634

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Blair M. Johnson
Primary Examiner
Art Unit 3634

BMJ
3/21/07